

Victims Taskforce
12 June 2019
Norton Park Conference Centre
Minute of Meeting

Attendees

Cabinet Secretary of Justice – Humza Yousaf (Co-Chair)
Lord Advocate, James Wolffe QC (Co-Chair)
Neil Rennick – Director of Justice, Scottish Government
David Harvie, Crown Agent, COPFS
Gillian MacDonald, Assistant Chief Constable
Pauline Proudfoot, Operational Development Manager, SCRA
Marsha Scott, Chief Executive, Scottish Women's Aid
Sandy Brindley, Chief Executive, Rape Crisis Scotland
Iris Quar, Abused Men in Scotland, (Rotating VOCFS seat)
Lorna Jack, Chief Executive, Law Society of Scotland
Rose McConnachie, Community Justice Scotland
Mike Callaghan, COSLA
Linda Brown, Criminal Injuries Compensation Authority
Lynn Burns

Replacement representatives

Nicola Fraser, Operations Manager Victim Support Scotland
Tirion Seymour, Service User Engagement Officer, Victim Support Scotland
Noel Rehfisch, Corporate Secretary, SCTS
Rob Strachan, Scottish Prison Service
Colin Spivey, Chief Executive, Parole Board for Scotland
Dr Sarah Armstrong, Scottish Centre for Crime and Justice Research
Dr Oona Brooks-Hay, Scottish Centre for Crime and Justice Research
Dr Lisa Bradley, Scottish Centre for Crime and Justice Research

Apologies

Michael Chalmers, Director of Children and Families, Scottish Government
Margaret Malloch, Scottish Centre for Crime and Justice Research
Angela Grahame, Vice-Dean, Faculty of Advocates
Mary Glasgow, Chief Executive, Children 1st
Mhairi McGowan, Head of ASSIST and Domestic Abuse services
Kate Wallace, Chief Executive, Victims Support Scotland
Kathryn Lindsay, Head of Children, Families & Justice Angus, Social Work Scotland
John Watt, Chair, Parole Board for Scotland
Eric McQueen, SCTS

Secretariat (Scottish Government/COPFS)

Willie Cowan – SG
Zak Tuck – SG
Andrew Scott - SG
Anne Marie Hicks - COPFS
Lynsay Ross - SG

1. Welcome

The Cabinet Secretary welcomed attendees to the third meeting of the Victims Taskforce. The Lord Advocate was delayed due to public transport issues but attended shortly after the start of the meeting.

2. Minutes and matters arising

The Cabinet Secretary took the opportunity to briefly reflect on the previous meeting. It was noted that it was a very informative session, particularly around the segment on service user design for victims.

Members agreed that it is vital to ensure the victim's voice was heard and acted upon. It was noted that the input from the judiciary had been useful and informative but, on reflection, more time for discussion from a victim perspective would have been useful.

Members discussed the exact 'task' that the Taskforce was setting itself, i.e. what is it that the Taskforce can deliver that no one else can. It was also recognised that the Taskforce has a long way to go and that support for victims in the current justice system needs 'shaking up'.

It was acknowledged that the group would continue to meet until at least 2021 and was still collectively honing its remit and work plan before addressing the system changes only it is able to make.

The Cabinet Secretary reassured members that the Victims Taskforce is uniquely placed in terms of the seniority of members and the corresponding potential for system change. Noting that substantial change has to involve and be driven by criminal justice bodies, there was agreement that it would be beneficial to explicitly involve members from these bodies as an integral part of work streams currently led by third sector and victim support organisations.

Members were also in concurrence that the voices of victims and their families are essential to identifying the gaps in any journey through the justice system, and the Cabinet Secretary reiterated that there was no substitute for victims' lived experience.

Data protection and information sharing was also flagged as a key issue for consideration where the Taskforce could focus its energy and drive change, particularly around domestic abuse cases.

ACTION: Secretariat to identify and formalise co-leads for each work stream and identify relevant representatives from organisations to participate in them..
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3. Update on work plan

Before handing over to work stream leads to provide updates, the Cabinet Secretary reiterated the importance of all members taking collective responsibility and an active involvement in progressing actions within the work streams.

Updates were as follows:

Work stream 1 – Victim Centred Approach – update provided by VSS

- Action 1a in the published work plan - Victim engagement mechanisms are being developed , VSS are working closely with RCS and will require input from all criminal justice agencies and victim support organisations. This will also require engagement with a wide range of victims. RCS confirmed that they have set up a survivor reference group;
- 1b - RCS offered feedback from their survivor reference group that the blue book on information and help after rape and sexual assault isn't particularly useful and that work was underway to develop new materials;
- 1c - The user-centred approach will be informed by research. This action is progressing with a draft invitation to tender being considered and funding committed;
- 1d – work is underway with criminal justice bodies and victim support organisations to improve the process of reviewing and developing the annual Standards of Service for victims and witnesses;
- 1e – The strand focusing on data and information sharing is being reviewed and taken forward by a sub group of the Justice Board;
- 1f – A short life working group is taking forward the review of the way victims are currently engaged and supported through the system;
- 1g - Legal advice will be picked up by the Judicial Led Review on Managing Sexual Offence Cases. Further discussion is needed to determine where advocacy support sits in the Taskforce work plan;
- 1h – A requirement for consistent recording is being built in to the new recording system within Police Scotland;

The Cabinet Secretary asked for further information on the GDPR sub-group of the Justice Board, how often it meets, and progress being made. He also sought reassurances that members were cognisant of Data Protection requirements and commitments.

Police Scotland detailed their engagement with the Information Commissioner's Office to develop a data sharing protocol to provide a formal basis for the sharing of information with partners. This would essentially aid officers and staff in identifying and assessing pathways to harm. PS committed to sharing this protocol with members prior to publication.

COPFS noted that the flow of information is a significant issue, that sharing is more often than not a positive thing and that there was a real opportunity to put forward a robust interpretation of what was possible. Lessons could be learned from other sectors where interpretation of legislation has been perceived as overly conservative.

Members noted an upcoming multi-agency workshop to be hosted by COSLA on GDPR, scheduled for 15 July 2019.

ACTION: Secretariat to update the co-chairs on the development of the GDPR sub-group.

Work stream 2 – Trauma Informed Training? – update provided by CJS

SCTS agreed to join this work stream as co-lead, and noted a willingness to ensure that staff are given the right material to be more trauma informed and trauma aware.

The group noted the need to be conscious of potential duplication or overlap of work around developing trauma training and a trauma-informed workforce, particularly anything taken forward as part of the National Trauma Training Programme. Members were reassured that the Taskforce will be concerned with more practical changes to the system, but will remain cognisant of any overlap as remits develop.

Members recognised that the NHS NES trauma training framework is very adaptable to a wide and varied workforce as trauma informs every part of someone's life.

Work stream 3 – Sexual Offences / Gender Based Violence + update provided by RCS / SWA

Rape Crisis Scotland noted that the first three actions of this work stream in the published work plan had been suggested by them before the launch of the Judicial Led Review on Managing Sexual Offence Cases.

There was a consensus that the Taskforce should wait for the review group's second meeting in June, focused on user perspectives, before considering next steps.

The Taskforce will look to have a wide focus on the whole of a victim's journey, through to after care, and therefore there may be elements not considered by the Judicial Led Review that can be picked up and developed by members.

It was also noted that the Scottish Government will consider any legislative changes that may be required depending on the outcome of the review, which hopes to conclude by December 2019.

Work stream 4 – Research covered in agenda item 5

Work stream 5 – Special Projects

Given the interest in the discussion around the research item, the Cabinet Secretary invited members to agree to move the section on consideration for a Victims Commissioner to the next meeting of the Taskforce and suggested that the Secretariat seek members views on the Victims Commissioner issue and use this to inform a paper for a future meeting of the Taskforce. This was agreed by members.

ACTION: Secretariat to seek views of members on Victims Commissioner to inform paper for a future meeting of the Taskforce.

4. Update on proposals for victim engagement

Following on from the victims engagement paper discussed at the last VTF meeting, Victim Support Scotland informed members of plans to form a service user participation group. This is currently in development, with consideration being paid as to how best to structure an overarching sounding board. Lynn Burns expressed a keenness to be involved. The target date for the first meeting of the group is August. Victim Support Scotland called upon members to volunteer to participate in subgroup engagement with victims, to properly understand them and their journeys as well as making clear where the issues lie.

Rape Crisis Scotland updated the Taskforce on their Survivors Reference Group, involving 32 members and standing as a testament to the number of people who are keen to use their experience to make a difference for others coming forward.

RCS are holding a launch event in July of their revised digital 'Survivor's Guide', and have invited the Cabinet Secretary and Lord Advocate to participate. The experience to date has been positive, with a clear desire for engagement and having voices heard.

The Cabinet Secretary indicated his enthusiasm to be involved in that engagement and made a plea as chair to other organisations to become involved in, and be supportive of, this work.

Rape Crisis Scotland also noted that there has been some discussion with Scottish Women's Aid to build on work for children and young people, ensuring that child victims' voices are captured.

ACTION: VSS/Scottish Government to share updated victim engagement proposals with Taskforce.

ACTION: Members to volunteer to participate in subgroup engagement with victims.

5. Deep dive - Work stream 4: Research

The Cabinet Secretary introduced agenda item five and thanked the speakers from SCCJR for lending their time to the group, and acknowledged the significance of the research work stream, noting that any change the Taskforce seeks to enact must be founded on solid evidence.

Dr Oona Brooks-Hay and Dr Lisa Bradley delivered a presentation on SCCJR's 'Justice Journeys' project – a research piece following the journeys of 17 victims and survivors of rape and sexual assault through the justice system.

The presentation highlighted a number of issues and points for consideration, including:

- There were issues around basic welfare of survivors;
- Several survivors found having their statement read back to them at the end of the process to be a challenging experience;
- There was scope for the evidence process to be explained more clearly, particularly around the length of time victims had to spend without their possessions;
- Concerns as to whether the right evidence was being collected;
- Concerns about communication;
- The impact of cases not proceeding can be devastating and more support is needed in these instances;
- Many victims turned down the option of appearing via video link because of uncertainty over what it entailed;
- Special measures, in practice, are sometimes limited in their effectiveness;
- There were practical issues, such as victims encountering the accused at intervals or lunch breaks;
- Several victims spoke of the impact that interactions with Procurator Fiscal can have, both positive and negative;
- Some victims didn't understand the relevance of some of the questioning. This included concerns of bullying or being negatively represented;
- How can victims and survivors be better informed, prepared, represented and supported?

SCCJR's Sarah Armstrong delivered the second presentation as part of the research item, with a focused look on the 'Measuring Justice' project. Findings included:

- Surveys are easy to administer but difficult to design well;
- Research itself is not value neutral;
- People often feel revictimised through contact with criminal justice system, and how research is conducted can be part of that;

SCCJR invited members to take part in wider engagement to evaluate and discuss the main findings of the report.

Anita Morrison of the Scottish Government's Justice Analytical Services (JAS) was the final speaker of the item, and provided a paper setting out the current landscape of research work underway on victims. There was an interest on JAS' part to hear the Taskforce's views on how JAS might shape their research and analysis, and how members might like to be involved.

Further discussion on the research item prompted several comments and reflections:

- Members were particularly impressed with whole journey approach to research;
- Lord Advocate suggested that pre-recording of evidence is a critical shift, enabling evidence to be taken in a suitable environment at a fixed point in time and with the benefit of a ground rules hearing. However, members wondered if some victims may be disappointed that they wouldn't get their 'day in court';
- It was suggested that there is a minority but very strong view among victims of wanting to be present in court and to be seen. It was important for them to be there, sometimes almost to face the accused. The overwhelming majority, however, suggests that pre-recorded evidence would be hugely beneficial, in terms of environment, accessibility, timeliness, accuracy and management of questioning;
- There was no sense of when the best timing was for giving evidence, as this varied depending on the individual. It was agreed that anything that happens sooner can only be a benefit;
- Similarly, it was noted that the more time required before going to court, the more time someone may feel like they have to 'remain a victim';
- There is a disparity between what individuals feel is justice against what the court feels is justice;
- Often victims will feel like their voice isn't being heard, as can simultaneously be the case for the accused;
- If there was a high level of procedural justice, the accused is more likely to accept the result;
- Non-professionals in a courtroom often feel alienated and estranged. When we do good things for victims we are hopefully doing more good for the integrity of the courtroom and it brings better outcomes for accused too;
- A guilty verdict does not necessarily equate to a sense that justice has been served for the victim. Justice is fluid and not fixed through a victim's journey.
- Capturing more experiences would be useful;
- There was evidence that experiencing something as procedurally fair and just is valuable;
- Members agreed that the Taskforce must look at where it can make differences quickly, so that frontline staff within the criminal justice system are well-informed and well-equipped;
- It was stressed that, from a victim's perspective, the justice process appears to be weighted in favour of the criminal justice system and not the victim. Often there is a feeling of being out of control, and that the process is overwhelming and terrifying. This is compounded when parts of the process and their purpose are not explained well to victims, or at all;

- Police Scotland highlighted work that is underway, including as part of the CMO Forensic Medical Services Taskforce, to look at sensitivity in the police response and the opportunity for greater consistency in their approach, particularly with regards to reporting, forensic examination and appropriate environments. They suggested the Victims Taskforce could take an interest in this work and they committed to identifying progress on this work and reporting back to a future meeting'
- Small errors can result in a large impact, and therefore the Taskforce must work to ensure everybody in the justice system who has some engagement with victims and witnesses understands the importance of accuracy;
- While victims' experience around prisons was not explicitly investigated, there were reflections that anxiety exists for both victim and accused with respect to parole and release;
- Victims often worried about their future safety, while accused are concerned they will be re-entering communities and face hostility despite their growth and rehabilitation through the prison process;
- VSS identified a widely-held lack of understanding around release, and highlighted that while a victim may have moved on, they often need to know that the prisoner has too. This prompted calls for a more positive focus on preparation for release – there was acknowledgement of good work being done, and that it might be helpful for victims to be aware of this;
- With acknowledgement that forensic examination was an issue in more remote areas, the work of the Forensic Medical Services taskforce was highlighted, particularly around the provision and training of over 100 examiners and an increase in locations for examinations from 6 to 14;
- SWA reflected findings from work with the Equally Safe strategy that remoteness is relative and that a different strategy is required to reach people outside of the central belt;

The Cabinet Secretary and Lord Advocate reinforced that system change is a priority for the Taskforce, and that a sound and solid evidence base is crucial to getting that right.

ACTION: SCCJR publishing research and recommendations over the summer, before the next meeting of the Taskforce. The Scottish Government will circulate to members.

ACTION: Members were invited by SCCJR to attend reflection sessions on the findings of the Measuring Justice project.

ACTION: JAS / Secretariat to consider how the Taskforce could help to shape the focus of the forthcoming research grant programme.

ACTION: Secretariat to liaise with CMO Taskforce Secretariat regarding sharing work on the police response with Victims Taskforce members and to provide written report of progress with the CMO Forensic Medical Services Taskforce.

6. **AOB** – SWA raised the issue of an Equality Impact Assessment (EQIA) and asked for a firm commitment from the Taskforce to undertake one.

The Cabinet Secretary for Justice committed to considering how best to engage with the VSOs and Lynn Burns ahead of Taskforce meetings and to enable all members to feed in suggested agenda items before agenda is finalised.

ACTION: Secretariat to develop a short paper for next meeting of Taskforce setting out approach to EQIA.

ACTION: Secretariat to explore options for members to feed in suggested agenda items ahead of circulation.

7. **Date of next meeting**

11th September 2019